

MICHAEL A. LUNA,)
Plaintiff,) **Civil Action No. 18-147Erie**
) **District Judge Conti**
v.) **Magistrate Judge Baxter**
JUDGE CARNEY, et al,)
Defendant.)

This prisoner civil rights action was received by the Clerk of Court on May 21, 2018. The case was assigned to United States Magistrate Judge for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. The magistrate judge's Report and Recommendation, issued on June 25, 2018, recommended that Plaintiff's motion seeking leave to proceed in forma pauperis be granted and that this action be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(e) due to judicial immunity of all named Defendants. ECF No. 5. Service of the Report and Recommendation was made on Plaintiff by mail at the Erie County Prison, at 1618 Ash Street, Erie, Pennsylvania 16503, the last address of record. Plaintiff did not file objections to the Report and Recommendation.

¹ This Court will take judicial notice of the fact that Joe Walsh is a Judge of the Erie County Court of Common Pleas.

27 and explains that all Defendants acted outside of their jurisdiction as Plaintiff has repeatedly
28 objected to the jurisdiction of the Court of Common Pleas. Id.

29 As the magistrate judge's Report and Recommendation appropriately explained, judicial
30 officers are immune from damages suits arising out of their official duties. Plaintiff's argument
31 that he has not consented to the jurisdiction of the Court of Common Pleas of Erie County
32 (because he is a resident of another state "when [he] is not being held captive" in jail) does not
33 make the actions of these judges outside of their jurisdiction or authority so as to overcome
34 absolute judicial immunity.

35 After a *de novo* review of the pleadings and filings, together with the Report and
36 Recommendation, an order will be entered.

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38 Dated: August 21, 2018

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

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42 cc: MICHAEL A. LUNA
43 21841
44 Erie County Prison
45 1618 Ash Street
46 Erie, PA 16503
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